



Applicant: Renee Frengut
Serial No.: 09/883,590
Appeal Brief

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of : RENEE FRENGUT
Serial No. : 09/883,590
Filed : June 18, 2001
For : INTERNET BASED QUALITATIVE
RESEARCH METHOD AND SYSTEM
Examiner : Andre Boyce
Art Unit : 3623
Our File No. : 1017.8002

APPELLANTS' BRIEF IN ACCORDANCE WITH 37 C.F.R. §41.37(c)

Appeal from the Examiner,
Andre Boyce, in and for
the United States Patent and Trademark Office

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I. REAL PARTY IN INTEREST

The party named in the caption, namely, Renee Frengut, the inventor has assigned the application subject to this appeal to EQUALITATIVE RESEARCH, INC., who is the real party in interest, i.e. the owner at the time the brief is being filed.

II. RELATED APPEALS AND INTERFERENCES

Applicant/Appellant and Appellant's legal representative, are unaware of any other appeal(s) or interference(s) which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26, 32, 33, 3, 36, 40-42, 44-52 and 54-58 are pending in this application and currently stand rejected. Applicant is appealing the rejection of these claims. The appealed claims are set forth in Appendix A to this Brief.

IV. STATUS OF AMENDMENTS

No Amendments after Final have been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

As to Independent Claim 1, the claimed invention provides a method for conducting a live study over the Internet with one or more participants (Page 6, lines 2-5). The method comprises the steps of:

(a) selecting one or more individuals for a specific online live study being held at a website on the Internet at a certain time (Page 6, lines 11-13 and Page 7, lines 3-5);

(b) providing each individual with sign-in information for the specific online live study (Page 7, lines 3-5);

(c) selecting a moderator for conducting the specific online

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live study (Page 6, line 6), wherein the one or more individuals are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the one or more participants with the moderator (Page 7, lines 3-11), said moderator and said one or more individuals independent from each other and not from a same organization or business entity (Page 7, lines 19-21;

(d) providing each of said one or more individuals and said moderator with an audio/video capture mechanism that is connectable to a machine that permits live audiovisual two-way images and communication across the Internet between said moderator and said one or more individuals (Page 7, lines 11-15);

(e) permitting said one or more individuals to participate in the specific online live study by allowing said one or more individuals to access the specific online live study by using their sign-in information at the website (Page 7, lines 11-12); and

(f) conducting a the specific online live study at the website by capturing live video images of the individuals and moderator and live audio two way communications between and among the individuals and between and among the individuals and the moderator based on questions asked or stimuli shown by the moderator to the individuals over the Internet (Page 6, lines 13-21).

As to Independent Claim 12, the claimed invention provides a method for conducting a live study from a host machine over the Internet (Page 6, lines 2-5). The method comprises the steps of

selecting a set of candidates to participate in a live online study with a host to be conducted over the Internet (Page 6, line 11-13 and Page 7, lines 3-5), wherein the set of

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candidates are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the set of candidates with the host (Page 7, lines 3-11), said set of candidates and said host are independent from each other and not from a same organization or business entity (Page 7, lines 19-21);

inviting the set of candidates to access the live online study over the Internet at a predetermined time interval (Page 7, lines 3-5), wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study (Page 7, lines 11-12); wherein the candidates communicate with the host and/or each other using a respective user machine interface having a live audio/video two-way image and communication mechanism connected thereto (Page 7, lines 11-15), wherein each user machine is located geographically remote from the host (Page 7, lines 14-18);

initiating live two-way audio communications and video images between and among the host and/or the geographically remote user machines over the Internet with at least a set of participants comprising a first portion of the set of candidates (Page 7, lines 19-20), during the predetermined time interval in substantially real time (Page 9, lines 8-11);

exhibiting over the Internet a stimulus to the participants (Page 6, lines 15-19 and Page 11, lines 14-16); and

accumulating live participant images and responses to the stimulus over the Internet at the host (Page 14, lines 6-10).

As to independent claim 21, the claimed invention provides a system for conducting a live online study with one or more participants over the Internet (Page 6, lines 2-5). The system comprises:

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a moderator device having Internet access (Page 12, lines 16-18), an audio/video two-way communication mechanism (Page 12, lines 18-19), and an input mechanism wherein a moderator submits stimulus to (Page 11, lines 13-16), and conduct live online two-way audiovisual communications with, users over the Internet (Page 12, line 21 - Page 13, line 2);

a user device for each user participating in the live online study over the Internet (Page 13, lines 16-17), said user device having Internet access (Page 13, line 17), an audio/video two-way communication mechanism (Page 13, lines 19-20), and an input mechanism wherein users provide live audio and video responses over the Internet in response to the moderator's submitted stimulus and conduct live online two-way audio and video communications over the Internet with the moderator and other users (Page 14, lines 6-7), wherein each user device is located geographically remote from the moderator device and in communication with each other and the moderator device through the Internet (Page 7, lines 14-18); and

a host machine communicating over the Internet and having a database accumulating the user's live online audio and video responses to the moderator's submitted stimulus or live questions posed by the moderator or other users (Page 12, lines 20-21)

wherein the users are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the users with the moderator (Page 7, lines 3-11), said moderator and said users independent from each other and not from a same organization or business entity (Page 7, lines 19-21).

As to independent claim 41, the claimed invention provides a method for conducting a live online study over the Internet (Page

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6, lines 2-5) with one or more participants and a moderator with the moderator having no business relationship or business association with said one or more participants (Page 7, lines 3-11). The method comprises the steps of:

(a) selecting one or more participants for a live online study with a moderator based on the one or more participants' willingness to participate in the live online study and not based on any business relationship or business connection of the one or more participants with the moderator (Page 7, lines 3-11), said moderator and said one or more participants independent from each other and not from a same organization or business entity (Page 7, lines 19-21);

(b) providing each participant for the live online study and a the moderator for the live online study with a video capture mechanism that is connectable to a machine that permits live two-way video over the Internet (Page 13, line 19-20 and Page 12, line 21 - Page 13, line 2);

(c) providing each participant and said moderator with live two-way audio communication capabilities (Page 13, lines 19-20 and Page 12, lines 18-19); and

(d) conducting a live online study over the Internet by capturing live two-way video of the participants and moderator over the Internet and capturing live two way audio communications between and among the participants and between and among the participants and the moderator (Page 12, line 13 - Page 13, line 2).

As to independent claim 42, the claimed invention provides a method for conducting a live online study over the Internet with one or more participants (Page 6, lines 2-5). The method comprises the steps of:

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(a) permitting one or more individuals to access and participate in a specific live online study over the Internet by receiving over the Internet at a scheduled time period sign-in information associated with the specific live study from the one or more individuals (Page 7, lines 3-5);

(b) providing a moderator for conducting the live online study over the Internet with the one or more individuals (Page 12, line 15); and

(c) permitting live two-way video and live two-way audio communications over the Internet between the one or more individuals and the moderator during the live online study (Page 12, lines 16-19 and Page 13, lines 19-20);

wherein the live online study is conducted with the one or more individuals and moderator even where the one or more individuals are located geographically remote from each other or the moderator (Page 12, line 13 - Page 13, line 2), wherein the one or more individuals are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the one or more participants with the moderator (Page 7, lines 3-11), said moderator and said one or more individuals independent from each other and not from a same organization or business entity (Page 7, lines 19-21).

As to independent claim 52, the claimed invention provides a method for conducting a live online market research or focus group study at a website on the Internet with one or more participants and a moderator (Page 6, lines 2-5), said method comprising the steps of:

(a) designating a website as an online location for hosting a live market research or focus group study over the Internet

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(Page 13, line 20 - Page 14, line 1);

(b) permitting one or more individuals to access and participate over the Internet in the online market research or focus group study hosted at the website by receiving over the Internet correct sign-in information for the online market research or focus group study from the one or more individuals (Page 7, lines 3-5);

(c) providing a moderator for conducting the live online market research or focus group study over the Internet with the one or more individuals (Page 12, line 15);

(d) permitting live two-way video and live two-way audio communications over the Internet between the one or more individuals and the moderator during the live online market research or focus group study (Page 12, lines 16-19 and Page 13, lines 19-20); and

(e) permitting a client to access and observe an ongoing live online study over the Internet unobtrusively to the one or more individuals (Page 13, lines 3-8); wherein said client is associated with a subject matter of the market research or focus group study (Page 12, lines 15-16);

wherein the live online market research or focus group study is conducted with the one or more individuals and moderator even where the one or more individuals are located geographically remote from each other, the moderator or the client (Page 12, line 13 - Page 13, line 2);

wherein the one or more individuals are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the one or more individuals with the moderator (Page 7, lines 3-11), said moderator and said one or more individuals independent from

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each other and not from a same organization or business entity (Page 7, lines 19-21), wherein the client and said one or more individuals independent from each other and not from a same organization or business entity (Page 7, lines 19-21); wherein an owner or operator of the website is independent from the one or more individuals and not from a same organization or business entity and the owner or operator of the website is independent from the client and not from a same organization or business entity (Page 12, line 13 - Page 13, line 2).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1, 7, 12, 13, 16, 18, 21, 22, 24-26, 32, 33, 35, 36, 40-42, 44-52 and 54-58 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ludwig et al, U.S. Patent No. 6,237,025 (hereinafter "Ludwig"), in view of e-Focusgroups.com, March 5, 2000 version of the website (hereinafter "e-Focusgroups").

2. Whether claims 5 and 14-26 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ludwig, in view of e-Focusgroups, in further view of Thomas, US Publication No. 2002/0002482 (hereinafter "Thomas").

3. Whether claims 10, 15 and 17 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ludwig in view of e-Focusgroups, in further view of Davis, U.S. Patent No. 6,,256,663 (hereinafter "Davis").

VII. ARGUMENT

A. GROUNDS OF REJECTION NO. 1

1. Whether claims 1, 7, 12, 13, 16, 18, 21, 22, 24-26, 32, 33, 35, 36, 40-42, 44-52 and 54-58 are properly rejected under 35

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U.S.C. §103(a) as being unpatentable over Ludwig, in view of e-Focusgroups.

As to claims subject to this Appeal, Claims 1, 12, 21, 41, 42 and 52 are independent claims. Dependent claims 7 and 35 stand or fall with Independent Claim 1. Independent basis for the allowance of claims 10, 32 and 33 are provided in the argument. Accordingly, claims 10, 32 and 33 do not stand or fall with Independent Claim 1. Dependent claims 13, 16 and 18 stand or fall with Independent Claim 12. Independent basis for allowance of claims 14, 15, 17 and 36 are provided in the argument and these claims do not stand or fall with Independent Claim 12. Dependent claims 24-26 and 40 stand or fall with Independent Claim 21. Independent basis for allowance of claim 22 is provided in the argument and this claim does not stand or fall with Independent Claim 21. Dependent claim 44-50 do not stand or fall with Independent Claim 42 and independent basis for allowance of these claims is provided in the argument. Dependent claim 51 stands or falls with dependent claim 47. Dependent claims 54-58 do not stand or fall with Independent Claim 52 and independent basis for allowance of these claims are provided in the argument.

Applicant incorporates by reference all of its arguments concerning Ludwig previously made by Applicant in earlier Amendments responding to Ludwig.

The Examiner acknowledges that Ludwig fails to disclose:

- (a) conducting a specific online study being held at a website on the Internet at a certain time;
- (b) that each individual (participant) is provided with sign-in information for the specific online study;
- (c) that a moderator is selected for conducting the specific online live study;

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- (d) that the individuals (participants) are selected based on their willingness to participate in a live online study and not based on any business relationship or business connection of the individuals (participants) with the moderator;
- (e) that the moderator and the individuals (participants) are independent from each other and are not from the same organization or business entity; and
- (f) that the individuals (participants) are permitted to participate in the specific online live study by being allowed to access the specific online live study by using their sign-in information at the website.

All of the deficiencies in Ludwig evidences that the primary reference Ludwig basically has nothing to do with Applicant's claimed invention.

As previously argued by Applicant, Ludwig requires a LAN and WAN computer configuration which is a private computer network of an organization for communicating and conferences between members of the organization. In Ludwig all of the people to the conference are from the same business entity or organization and do in fact have a prior connection and are not independent. Ludwig does not provide, nor does Ludwig desire, conferencing over a public network like the Internet. Ludwig would also not desire non-company individuals having access to sign into Ludwig's LAN/WAN computer configuration.

Ludwig requires that the participants are all from the same business entity or organization or has some business relationship. As Ludwig is basically a internal company system there is no motivation, teaching or suggestion to go outside the company setting and begin using Ludwig's system for other purposes. Nor is

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there any motivation to give non-company employees password information permitting them to sign into Ludwig's system.

e-Focusgroups merely provides chat-based focus groups and surveys on the web. The word "chat" does not refer to audible talking, but refers to the computer world of typing answers to questions. This back and forth written correspondence does yield the live audio visual online study provided by Applicant's claimed system and method. Applicant's claimed method and system recreates the conventional focus group study online, where the moderator and participants see each other and verbally communicate. The conventional focus group study is not being recreated online by e-Focusgroups.

The Examiner's rejection states that it would be merely obvious to expand the Ludwig WAN communication to include the Internet. However, such blanket conclusions fails to take into all necessary security and other complexities for operating over the Internet. E-Focusgroups fails to provide any teaching as to how it actually operates on the Internet.

Additionally, E-Focusgroups teaches away from conducting an audio/visual live study on the Internet. As it specifically states that "Another advantage of Online Focus Groups is that since the respondents can't see one another, they tend to speak very freely. In addition, respondents who would be quiet in a traditional Focus Group tend to come out more in this situation.".

Applicant also notes that the priority filing date for Ludwig is October 1, 1993. At the time of e-Focusgroups in 2001, Ludwig's technology had been in existence for at least eight years. However, the developer of e-Focusgroups (who would be one having ordinary skill in the art with respect to Applicant's invention) did not expand on his web-based chat studies by taking Ludwig's

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technology and using such technology to conduct live audio/visual studies on the Internet. Three reasons could explain why: (1) Ludwig's technology could not be dused without significant modifications to perform Applicant's claimed invention; (2) the Ludwig technology is highly unrelated to the business of e-Focusgroups that he would not be normally led to Ludwig, without hindsight; and/or (3) as mentioned above e-Focusgroups teaches away from having a live online audio/visual study over the Internet and prefers the benefits of not having the respondents seeing each other as taught by Applicant's claimed invention.

As to claims 22, 33, 47-50, 53 and 56-58, the Examiner admits that Ludwig does not disclose (a) a sponsoring client device having distributed network access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user and can observe the submitted moderator stimuli, (b) that the sponsoring client and users (individual, participants) are independent from each other other and not from a same organization or business entity. E-Focusgroup does not provide the technology for modifying Ludwig such that the sponsoring client can watch the live ongoing audio/visual study without the participants knowing that they are being watch by the client (unobstrusively). Ludwig would have to be specifically modified to provide this claimed feature. Merely combining e-Focusgroup with Ludwig stills fails to teach this claimed feature. E-Focusgroup does not permit the client to view the live images of the respondents.

As also claimed in certain claims, Applicant's claimed website is owned or operated by individuals who are also independent from the client. In Ludwig, the LAN/WAN is owned by the business entity, not a separate independent entity.

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Furthermore, as mentioned above the conference participants for Ludwig are all from the same company, often the subject matter of their conferences can involve highly sensitive trade secret or confidential information. Thus, by using a LAN/WAN configuration, Ludwig ensures that the information remains internally and cannot be compromised. With this potentially secretive information being discussed, the Ludwig company would not turn to an independently owned third party website (e-focusgroup.com, etc.) to run its conference. Even if the conference could be secured, individuals from the third party website could still access the information.

Also, by operating over the Internet Ludwig would then be exposed to hackers, viruses, unwanted software being downloaded, cookies, etc. All of these issues would require modification and/or additions to Ludwig to prevent breaches or damage to the Ludwig system. Thus, Ludwig benefits significantly by not using the Internet, and by solely using a LAN/WAN configuration. A reading of Ludwig readily reveals that Ludwig was not looking for alternatives to using a LAN/WAN communication network, but rather was looking for ways to improve LAN/WAN technology so that it could be used by more than a few workstations. See Col 2., lines 42-50.

Additionally, as mentioned above, the participants to a Ludwig conference are from the same organization or business entity that have gotten together to discuss a company issue. Thus, there would be no motivation to block certain participants from hearing communications of other participants (i.e. Applicant's claimed client communications). As such, there is no motivation, teaching or suggestion in Ludwig for having certain communications not heard by the other participants.

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Furthermore, requiring participants to have sign-in and password information to join the conference only complicates Ludwig. Thus, there is no motivation, teaching or suggestion for Applicant's claimed limitation. As Ludwig is a LAN/WAN network, the leader for the conference merely selects the participants from his computer rolodex. There is no reason to complicate this convenient feature of Ludwig as suggested by the Examiner.

Lastly, Applicant submits that the Examiner failed to give any weight to the significant secondary considerations raised by Applicant in her Rule 132 Declaration (November 22, 2005), which along with its exhibits are incorporated by reference in their entirety. Applicant also incorporates by references its November 3, 2004 Declaration and Exhibits thereto also in their entirety. Specifically, in the 11/22/05 Declaration Applicant declared that:

9. It would not have been obvious to a person having ordinary skill in the art of my invention to modify the cited Ludwig patent as suggested by the Examiner to arrive at my claimed invention. As mentioned above, and in my previous Declaration, significant time, resources and energy were required from me before I was able to finally create my working system, which is the subject matter of my current patent claims.

10. Recently, which is well after the launching of my company and filing of my patent application, other companies in the market research industry are now copying my technology by now offering live audiovisual market research services over the Internet.

11. These companies had previously utilized some type of video technology, which was dissimilar to my claimed invention. FocusVision (a market

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research support company) has been in business since 1990 utilizing an ISDN closed circuit video transmission using a Polycom system for the transmission of focus groups to one of their installations for remote viewing of a market research event. It, however, was not until June of 2005 that it announced in advertising that it now has the major breakthrough capability to provide the exact model as my current claimed invention details. See Exhibit A to the Declaration.

12. FocusVision is a very large company in my industry with much more resources available to it as compared to myself and my company.

13. In its advertising, FocusVision touts itself (see enclosed advertising) as "the leader in video technology for the Market Research industry". If indeed the current invention was so obvious over the various patents cited by the Examiner, then the self-proclaimed industry leader with all of their available resources and who have been in existence prior to the issuance of the Ludwig patent and who were experiencing the same limitations of traditional market research, should have developed my claimed invention prior to my conception.

14. Another industry company also launched this exact model to my claimed invention in February, 2005, hailing it as the most revolutionary advancement in conducting market research. See Exhibit B to this Declaration.

15. The fact that these companies and others, with knowledge of my company and its services, only this year began to offer their same methodology and capability to the subject matter of my claimed invention, is evidence that my claimed invention is not obvious, but rather unobvious.

16. As further evidence that my claimed invention is not obvious I also rely on the many articles, awards and testimonials that the claimed invention has received from the market research industry and

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its practicing professionals as well as related technology awards and publications. These various items are attached hereto as Exhibits C-6.

17. Lastly, many in my industry actually taught away from the subject matter of my claimed invention. See First Paragraph of Exhibit D, "it is essential the marketing community not become too enthralled with using the Internet to conduct qualitative research... it clearly is not a viable substitute for well-run traditional focus groups."

When taken these secondary considerations into evidence, in addition to the above noted arguments, Applicant respectfully submits that it has shown that the claimed invention is not obvious and that the claims should be allowed. Accordingly, Applicant respectfully traverses the Examiner's rejection in Grounds of Rejection No. 1 and asks that such rejection be reversed.

B. GROUNDS OF REJECTION NO. 2

Whether claims 5 and 14-26 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ludwig, in view of e-Focusgroups, in further view of Thomas.

Applicant respectfully incorporates by reference its above arguments. Thomas fails to correct all of the above deficiencies noted above. There would be no motivation to pay Ludwig's employees additional compensation for attending a conference that they are already getting paid for as part of their job duties.

Accordingly, Applicant respectfully requests that the Board reverse the Examiner's rejections of claims 15 and 14-26.

C. GROUNDS OF REJECTION NO. 3

Whether claims 10, 15 and 17 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ludwig in view of e-

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Focusgroups, in further view of Davis.

Applicant respectfully incorporates by reference its above arguments. Davis also fails to correct all of the deficiencies of Ludwig and E-focusgroup discussed above. Davis also merely provides chat text messages and is not even concern with a real time live study.

Thus, Applicant respectfully requests that the Board reverse the Examiner's rejection of claims 10, 15 and 17

In view of the above arguments, Applicant/Appellant respectfully submits that all pending claims are properly allowable over the references relied upon by the Examiner for the rejections.

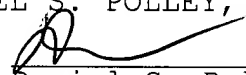
WHEREFORE, Applicant respectfully submits that the appealed claims are allowable over the prior art of record and Applicant respectfully requests the Board to reverse the Examiner's rejections, and pass this case to allowance.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,

DANIEL S. POLLEY, P.A.

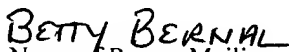
By:


Daniel S. Polley #34,902

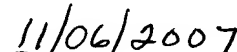
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VIII. CLAIMS APPENDIX

1. A method for conducting a live study over the Internet with one or more participants, said method comprising the steps of:

(a) selecting one or more individuals for a specific online live study being held at a website on the Internet at a certain time;

(b) providing each individual with sign-in information for the specific online live study;

(c) selecting a moderator for conducting the specific online live study, wherein the one or more individuals are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the one or more participants with the moderator, said moderator and said one or more individuals independent from each other and not from a same organization or business entity;

(d) providing each of said one or more individuals and said moderator with an audio/video capture mechanism that is connectable to a machine that permits live audiovisual two-way images and communication across the Internet between said moderator and said one or more individuals;

(e) permitting said one or more individuals to participate in the specific online live study by allowing said one or more individuals to access the specific online live study by using their sign-in information at the website; and

(f) conducting a the specific online live study at the website by capturing live video images of the individuals and moderator and live audio two way communications between and among the individuals and between and among the individuals and the moderator based on questions asked or stimuli shown by the moderator to the individuals over the Internet.

5. The method as in claim 32, including the additional steps of: paying each individual a first sum for participating in the

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live study; and paying a non-selected remainder portion of the candidates a second sum which is less in monetary amount than the first sum.

7. The method as in claim 1, including the additional conducting step of: displaying a stimulus over the Internet to the individuals over the Internet and receiving over the Internet one or more individual responses to the stimulus.

10. The method as in claim 7, including the additional step of officiating a follow-up interview with an individual who participated in the specific online live study, wherein the moderator displays additional stimulus over the Internet and receives additional responses over the Internet from the individual in response to the additional stimulus.

12. A method for conducting a live study from a host machine over the Internet, comprising the steps of:

selecting a set of candidates to participate in a live online study with a host to be conducted over the Internet, wherein the set of candidates are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the set of candidates with the host, said set of candidates and said host are independent from each other and not from a same organization or business entity;

inviting the set of candidates to access the live online study over the Internet at a predetermined time interval, wherein the candidates access the live online study through sign-in information provided to candidates prior to a starting time for the live study; wherein the candidates communicate with the host and/or each other using a respective user machine interface having a live audio/video two-way image and communication mechanism connected thereto, wherein each user machine is located

geographically remote from the host;

initiating live two-way audio communications and video images between and among the host and/or the geographically remote user machines over the Internet with at least a set of participants comprising a first portion of the set of candidates, during the predetermined time interval in substantially real time;

exhibiting over the Internet a stimulus to the participants; and

accumulating live participant images and responses to the stimulus over the Internet at the host.

13. The method of conducting a live online study as in claim 12, including the additional step of visually verifying over the Internet a presence of each participant throughout the live online study.

14. The method of conducting a live online study as in claim 13, including the additional step of paying the verified participants a first sum for participating in the live online study and paying a non-overlapping remainder portion of the set of candidates a second sum which is less in monetary amount than the first sum.

15. The method of conducting a live online study as in claim 12, including the additional step of officiating a follow-up interview over the Internet with a particular participant subset.

16. The method of conducting a live online study as in claim 12, including the additional step of selecting groups of participants for a predetermined stimulus, wherein the predetermined stimulus is shown to the participant group over the Internet.

17. The method of conducting a live online study as in claim 12, including the additional step of dynamically selecting a

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particular stimulus for transmission over the Internet to the participants in response to prior participant responses.

18. The method of conducting a live online study as in claim 12, including the additional step of tabulating results of the live online study.

21. A system for conducting a live online study with one or more participants over the Internet, comprising:

a moderator device having Internet access, an audio/video two-way communication mechanism, and an input mechanism wherein a moderator submits stimulus to, and conduct live online two-way audiovisual communications with, users over the Internet;

a user device for each user participating in the live online study over the Internet, said user device having Internet access, an audio/video two-way communication mechanism, and an input mechanism wherein users provide live audio and video responses over the Internet in response to the moderator's submitted stimulus and conduct live online two-way audio and video communications over the Internet with the moderator and other users, wherein each user device is located geographically remote from the moderator device and in communication with each other and the moderator device through the Internet; and

a host machine communicating over the Internet and having a database accumulating the user's live online audio and video responses to the moderator's submitted stimulus or live questions posed by the moderator or other users

wherein the users are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the users with the moderator, said moderator and said users independent from each other and not from a same organization or business entity.

22. The system as in claim 21, further comprising a

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sponsoring client device having Internet access wherein a sponsoring client is permitted to access the live online study while the live online study is ongoing unobtrusively to each user and can observe the submitted moderator stimuli, the submitted user responses, and audio/video two-way communications between and among one or more users and the moderator, wherein said sponsoring client and said users independent from each other and not from a same organization or business entity.

24. The system as in claim 21, wherein a user working from the user device further observes a live online audiovisual image of the user during the live online study.

25. The system as in claim 21, wherein a user working from the user device further conducts live online two-way audiovisual communications with one or more other users during the live online study.

26. The system as in claim 21, wherein the user working from the user device further observes a set of submitted participant responses during the live online study.

32. The method of claim 1 wherein said one or more individuals are selected from a group of candidates.

33. The method of claim 1 further comprising the step of permitting a client to access the website through sign-in information provided to the client to permit the client to view over the Internet the live online study while the live online study is ongoing; wherein the client is connected to the subject matter of the live online study, wherein the client and said one or more individuals independent from each other and not from a same organization or business entity.

35. The method of claim 1 further comprising the step of recording an audiovisual record of the live online study and delivering the audiovisual record to a client who is sponsoring

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the subject matter of the live online study.

36. The method of claim 12 wherein a number of candidates selected being fewer than all candidates available for selection.

40. The system of claim 21 further including a medium for storing accumulated recordings of the live audio and video communications between and among the moderator and other users, a processor for evaluating user responses, and an engine outputting results based on the user responses.

41. A method for conducting a live online study over the Internet with one or more participants and a moderator with the moderator having no business relationship or business association with said one or more participants, said method comprising the steps of:

(a) selecting one or more participants for a live online study with a moderator based on the one or more participants' willingness to participate in the live online study and not based on any business relationship or business connection of the one or more participants with the moderator, said moderator and said one or more participants independent from each other and not from a same organization or business entity;

(b) providing each participant for the live online study and a the moderator for the live online study with a video capture mechanism that is connectable to a machine that permits live two-way video over the Internet;

(c) providing each participant and said moderator with live two-way audio communication capabilities; and

(d) conducting a live online study over the Internet by capturing live two-way video of the participants and moderator over the Internet and capturing live two way audio communications between and among the participants and between and among the participants and the moderator.

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42. A method for conducting a live online study over the Internet with one or more participants, said method comprising the steps of:

(a) permitting one or more individuals to access and participate in a specific live online study over the Internet by receiving over the Internet at a scheduled time period sign-in information associated with the specific live study from the one or more individuals;

(b) providing a moderator for conducting the live online study over the Internet with the one or more individuals; and

(c) permitting live two-way video and live two-way audio communications over the Internet between the one or more individuals and the moderator during the live online study;

wherein the live online study is conducted with the one or more individuals and moderator even where the one or more individuals are located geographically remote from each other or the moderator, wherein the one or more individuals are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the one or more participants with the moderator, said moderator and said one or more individuals independent from each other and not from a same organization or business entity.

44. The method for conducting a live online study of claim 42 wherein said sign-in information is provided to each individual in advance of a scheduled date and time for the live online study.

45. The method for conducting a live online study of claim 42 wherein the live study is secured and held online at a website and the sign-in information is a user id and password for each individual and permits the individual with access to the secured live study.

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46. The method for conducting a live online study of claim 42 wherein said moderator is provided with sign-in information for accessing and participating in the live online study in advance of a scheduled date and time for the live online study.

47. The method for conducting a live online study of claim 42 further comprising the step of permitting a client to access and observe an ongoing live online study over the Internet unobtrusively to the one or more individuals, wherein the client and said one or more individuals independent from each other and not from a same organization or business entity.

48. The method for conducting a live online study of claim 47 further comprising the step of preventing the client from communicating with the one or more individuals through the live online study while the live online study is being conducted.

49. The method for conducting a live online study of claim 47 wherein said client is provided with sign-in information in advance of a scheduled date and time for the live online study in order to access and observe the ongoing live online study over the Internet.

50. The method for conducting a live online study of claim 47 further comprising the step of permitting the client to communicate with the moderator unobtrusively to the one or more individuals during the ongoing live online study.

51. The method for conducting a live online study of claim 47 wherein said client is connected to the subject matter of the live online study.

52. A method for conducting a live online market research or focus group study at a website on the Internet with one or more participants and a moderator, said method comprising the steps of:

(a) designating a website as an online location for hosting

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a live market research or focus group study over the Internet;

(b) permitting one or more individuals to access and participate over the Internet in the online market research or focus group study hosted at the website by receiving over the Internet correct sign-in information for the online market research or focus group study from the one or more individuals;

(c) providing a moderator for conducting the live online market research or focus group study over the Internet with the one or more individuals;

(d) permitting live two-way video and live two-way audio communications over the Internet between the one or more individuals and the moderator during the live online market research or focus group study; and

(e) permitting a client to access and observe an ongoing live online study over the Internet unobtrusively to the one or more individuals; wherein said client is associated with a subject matter of the market research or focus group study;

wherein the live online market research or focus group study is conducted with the one or more individuals and moderator even where the one or more individuals are located geographically remote from each other, the moderator or the client;

wherein the one or more individuals are selected based on their willingness to participate in the live online study and not based on any business relationship or business connection of the one or more individuals with the moderator, said moderator and said one or more individuals independent from each other and not from a same organization or business entity, wherein the client and said one or more individuals independent from each other and not from a same organization or business entity; wherein an owner or operator of the website is independent from the one or more individuals and not from a same organization or business entity

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and the owner or operator of the website is independent from the client and not from a same organization or business entity.

54. The method for conducting a live online study of claim 52 wherein the live study is secured and held online at a website and said sign-in information is a user id and password for each individual and provided to the one or more individuals in advance of a scheduled date and time for the live online study, said sign-in information permitting the individual with access to the secured live study

55. The method for conducting a live online study of claim 52 wherein said moderator is provided with sign-in information for accessing and participating in the live online study in advance of a scheduled date and time for the live online study.

56. The method for conducting a live online study of claim 52 further comprising the step of preventing the client from communicating with the one or more individuals through the live online market research or focus group study while the live online study is being conducted.

57. The method for conducting a live online study of claim 52 wherein said client is provided with sign-in information in advance of a scheduled date and time for the live online market research or focus group study in order to access and observe over the Internet the ongoing live online study over the Internet.

58. The method for conducting a live online study of claim 52 further comprising the step of permitting the client to communicate with the moderator unobtrusively to the one or more individuals during the ongoing live online study.

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IX. EVIDENCE APPENDIX

None

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X. RELATED PROCEEDINGS APPENDIX

None